

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 FIRST 100, LLC,

Case No. 2:15-cv-01303-APG-PAL

8 Plaintiff,

ORDER

9 v.

(Mot WD Atty – ECF No. 45)

10 FEDERAL HOME LOAN MORTGAGE
CORPORATION, et al.,

11 Defendants.

12 Before the court is Charles Peterson, Jason Martinez, Neil Durrant and John Wendland of
13 the law office of Weil and Drage, APC's ("Weil & Drage") Motion to Withdraw as Counsel for
14 First 100, LLC on Order Shortening Time (ECF No. 45). The motion represents that plaintiff has
15 failed to fulfill its contractual obligation for fees incurred by Weil & Drage and as such, continued
16 representation is no longer possible. Weil & Drage therefore, seeks leave to withdraw as counsel
17 of record.

18 A corporation cannot appear except through counsel. *See Rowland v. California Men's*
19 *Colony*, 506 U.S. 194, 201–02 (1993); *Reading Int'l, Inc. v. Malulani Grp., Ltd.*, 814 F.3d 1046,
20 1053 (9th Cir. 2016). Dismissal of all claims with prejudice is appropriate sanction for a plaintiff
21 entity that fails to retain counsel. *Multi Denominational Ministry of Cannabis & Rastafari, Inc. v.*
22 *Gonzales*, 474 F. Supp. 2d 1133, 1141 (N.D. Cal. 2007), *aff'd sub nom. Multi-Denominational*
23 *Ministry of Cannabis & Rastafari, Inc. v. Holder*, 365 F. App'x 817 (9th Cir. 2010).

24 This case is currently stayed pursuant to an order entered August 17, 2016 by the district
25 judge. The parties have not moved to lift the stay.

26 Having reviewed and considered the matter, and for good cause shown,

27 **IT IS ORDERED:**

28 1. Weil & Drage's Motion to Withdraw (ECF No. 45) is **GRANTED**.


2. As a corporation cannot appear except through counsel, the plaintiff shall have until **October 6, 2017** in which to retain substitute counsel who shall make an appearance in accordance with the requirements of the Local Rules of Practice.

3. Plaintiff's failure to timely comply with this order by obtaining substitute counsel may result in the imposition of sanctions, which may include a recommendation to the District Judge that plaintiff's complaint be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

4. The Clerk of the Court shall serve the plaintiff with a copy of this order at its last known address:

First 100, LLC
11920 Southern Highland Pkwy., Ste. 200
Las Vegas, NV 89141
(702) 823-3600

DATED this 6th day of September, 2017.


PEGGY A. TEEN
UNITED STATES MAGISTRATE JUDGE